

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

TO: DEBTOR OR DEBTOR'S COUNSEL

You have filed a chapter 13 petition with the office of the Clerk of the United States Bankruptcy Court, Eastern District of Virginia, without filing the Chapter 13 Plan and Related Motions, in the form approved by the Court for use in the Eastern District of Virginia, at the time the petition was filed. Local Bankruptcy Rule 3015-2 directs the Clerk to give you notice of Local Bankruptcy Rule 3015-2.

11 U.S.C. 102(1) authorizes an act, including dismissal of your case, without an actual hearing if notice is given properly and a hearing is not timely requested by a party in interest.

**LOCAL BANKRUPTCY RULE 3015-2
CHAPTER 13 PLAN REQUIREMENTS**

Chapter 13 Plan Requirements

(A) Original Chapter 13 Plan and Related Motions

(1) **Form of Chapter 13 Plan and Related Motions:** The only acceptable form for a chapter 13 plan shall be that form approved by the Court for use in the Eastern District of Virginia (Exhibit 1 to this Local Bankruptcy Rule) and available from the Clerk's Office upon request. If applicable, the debtor shall include the following related motions (the "Related Motions") with the Chapter 13 plan:

- (a) **Motion for Determination of Value Pursuant to 11 U.S.C. §506(a):** In order to obtain a determination of the value of a claim or collateral pursuant to 11 U.S.C. §506(a), a debtor may include such motion in the Chapter 13 Plan and Related Motions (Exhibit 1).
- (b) **Motion for Lien Avoidance Pursuant to 11 U.S.C. §522(f):** In order to avoid a lien pursuant to 11 U.S.C. §522(f), the debtor may include such motion in the Chapter 13 Plan and Related Motions (Exhibit 1).
- (c) **Motion for Assumption or Rejection of Executory Contracts Pursuant to 11 U.S.C. §365:** In order to assume or reject an executory contract or unexpired lease pursuant to 11 U.S.C. §365, the debtor shall include such motion in the Chapter 13 Plan and Related Motions (Exhibit 1).

(2) Filing of Chapter 13 Plan and Related Motions

(a) **Requirement:** The debtor shall file a Chapter 13 Plan and Related Motions, in the form specified in (A)(1) of this Local Bankruptcy Rule, not later than fifteen (15) days after the commencement of the chapter 13 case. The Chapter 13 Plan and Related Motions shall be filed in original and one copy and be accompanied by proof of service as required by paragraph (A)(3)(b) of this Local Bankruptcy Rule.

(b) **Extension of Time to File Chapter 13 Plan and Related Motions:**

- (i) **Motion to Extend Time for Filing Chapter 13 Plan and Related Motions:** No motion to extend time for the filing of a Chapter 13 Plan and Related Motions shall be considered unless the same is filed not later than fifteen (15) days after the date of commencement of the chapter 13 case.
- (ii) **Notice of Extension of Time to File Chapter 13 Plan and Related Motions:** If the debtor's motion to extend time to file a Chapter 13 Plan and Related Motions is granted, the debtor shall forthwith notify the trustee and all creditors of the new deadline set for filing the Chapter 13 Plan and Related Motions.

(3) Distribution of Chapter 13 Plan and Related Motions

- (a) **Debtor to Distribute Chapter 13 Plan and Related Motions:** The debtor shall distribute a copy of the Chapter 13 Plan and Related Motions to all creditors, the standing trustee, and other interested parties.
- (b) **Proof of Service:** The debtor shall serve the Chapter 13 Plan and Related Motions upon all required parties prior to filing the same with the Court. Any chapter 13 Plan and Related Motions filed with the Court shall include the debtor's proof of service evidencing compliance with this Local Bankruptcy Rule.

(4) Notice of Chapter 13 Plan and Related Motions

- (a) **Form of Notice:** The only acceptable form for Notice of a Chapter 13 Plan and Related Motions shall be that form approved by the Court for use in the Eastern District of Virginia (Exhibit 2 to this Local Bankruptcy Rule) and available from the Clerk's Office upon request.
- (b) **Filing, Service and Proof of Service:** The Notice shall be filed and served in the same manner as the Chapter 13 Plan and Related Motions. Proof of Service shall be filed in the same manner as the Chapter 13 Plan and Related Motions.

(5) Objections to Confirmation of Plan or to Related Motions

- (a) **Deadline for Filing:** Any objection to confirmation of the Plan, the Motion for Determination of Value, the Motion for Lien Avoidance or the Motion to Assume or Reject an Executory Contract or Unexpired Lease shall be filed not later than forty-five (45) days after the filing of an original Chapter 13 Plan and Related Motions. If an unconfirmed case has been dismissed within the forty-five (45) day objection period and then later reinstated any objecting party shall have an additional thirty (30) days from the entry of the order reinstating the case to file an objection to the original plan.
- (b) **Service of Objection:** The objecting party shall file an original and one copy of the objection with the Court and serve copies on the standing trustee, the debtor, and the debtor's attorney. The objection shall be accompanied by proof of service evidencing compliance with this requirement.
- (c) **Hearings on Objections:** All timely filed objections shall be heard at the confirmation hearing, notice of which is given in the 11 U.S.C. §341 notice.
- (d) **Settlement and Withdrawal of Objection:** As soon as possible after the filing of an objection, counsel are directed to communicate in an effort to settle the objection well in advance of any scheduled hearing on objection to confirmation. If such a settlement is reached, the objecting party shall forthwith file a withdrawal of objection and serve a copy on the standing trustee, the debtor and the debtor's attorney. If no other timely objection remains, the hearing on objection to confirmation will be stricken from the Court's calendar.

(6) Confirmation of Plan and Approval of Related Motions

- (a) **No Objection to Confirmation or Related Motions:** After the time for filing objections has passed and if no objection is timely filed, the

Court, without hearing, may enter an order confirming the plan and granting the relief sought in the Related Motions.

(B) Modified Chapter 13 Plan and Related Motions

(1) **Time for Filing:** Subject to review by the Court, a debtor may file a modified plan or modified Related Motions, with one copy, before or after confirmation.

(2) **Form of Modified Chapter 13 Plan and Related Motions:** The only acceptable form to use for a modification to the Chapter 13 Plan or the Related Motions is Exhibit 1 to this Local Bankruptcy Rule including an insertion of language to identify it as a modification. Even if only a portion of the Chapter 13 Plan and Related Motions requires modification, the entire Modified Chapter 13 Plan and Related Motions must be completed.

(3) **Filing and Service of Modified Chapter 13 Plan and Related Motions:** The Modified Chapter 13 Plan and Related Motions shall be filed in original and one copy and be accompanied by proof of service as required by paragraph (A)(3)(b) of this Local Bankruptcy Rule. A copy of the Modified Chapter 13 Plan and Related Motions shall be served upon the standing trustee and all creditors. Once a modified plan or modified related motions has been filed by a debtor, all previously filed unconfirmed plans or related motions are deemed to be withdrawn. Filing of a modified plan or modified related motions does not remove a previously scheduled hearing from the court calendar. Removal of any such hearing must be requested by the objecting party and agreed to by the Court.

(4) Notice of Modified Chapter 13 Plan and Related Motions

(a) **Form of Notice:** The only acceptable form for Notice of a Modified Chapter 13 Plan and Related Motions shall be that form approved by the Court for use in the Eastern District of Virginia (Exhibit 2 to this Local Bankruptcy Rule) and available from the Clerk's Office upon request.

The Notice shall state whether it is a modification before or after confirmation and approval of the original Chapter 13 Plan and Related Motions.

(b) **Filing, Service and Proof of Service:** The Notice shall be filed and served in the same manner as the Modified Chapter 13 Plan and Related Motions. Proof of Service shall be filed in the same manner as the Modified Chapter 13 Plan and Related Motions.

(5) Objections to Confirmation of Modified Chapter 13 Plan or to Related Motions

(a) **Deadline for Filing:** Any objection to the Modified Chapter 13 Plan, the Motion for Determination of Value, the Motion for Lien Avoidance or the Motion to Assume or Reject an Executory Contract or Unexpired Lease shall be filed not later than thirty (30) days after the filing of the Modified Chapter 13 Plan and Related Motions. If a confirmed case has a modified plan pending and is then dismissed within the thirty (30) day objection period and then later reinstated, any objecting party shall have an additional thirty (30) days from the entry of the order reinstating the case to file an objection to the modified plan.

(b) **Hearing on Objections:** A hearing on the objection will be scheduled by the Court and notice of such hearing will be given by the objecting party.

(6) Confirmation of Modified Chapter 13 Plan and Approval of Related Motions

(a) **No Objections to Confirmation or Related Motions:** After the time for filing objections has passed and if no objection is timely filed, the Court, without hearing, may enter an order confirming the modified plan and granting the relief sought in the Related Motions.

(C) Dismissal of Case for Defects with Chapter 13 Plan and Related Motions and Notice of Chapter 13 Plan and Related Motions

(1) Dismissal of Case for Failure to Timely File or Distribute Plan and Notice, Except as Provided in LBR 1017-3

(a) **Clerk to Issue:** The Clerk shall issue an order of dismissal in any chapter 13 case not meeting the timeliness of filing requirements of subdivisions A(2), A(3), or A(4) of this Local Bankruptcy Rule.

(b) **Notice of Possible Dismissal:** The Clerk shall give notice of this Local Bankruptcy Rule to the debtor or debtor's counsel at the time the petition is filed. The Clerk shall also give notice of this Local Bankruptcy Rule in the meeting of creditors notice.

(2) **Dismissal of Case Upon Denial of Confirmation:** If the Court denies confirmation of the debtor's original or subsequently modified Chapter 13 Plan and Related Motions, the Clerk is directed to issue an order dismissing the chapter 13 case unless, within ten (10) days after denial of confirmation:

(a) the debtor files a new Modified Chapter 13 Plan and Related Motions;

(b) the debtor moves to convert the case to another chapter of the Bankruptcy Code except in a case converted from another chapter;

(c) the debtor files a motion for reconsideration or appeals the denial of confirmation; or

(d) the Court otherwise orders.

CLERK, UNITED STATES BANKRUPTCY COURT

I certify that I have delivered to Debtor or

Debtor's Attorney a copy of this notice.

****PLAN/NOTICE DUE:** _____

_____ **Handed** _____ **Mailed** _____ **E-mailed (ECF cases only)**

→ _____ The debtor filed a plan; however, it was not on the form approved by the Court for use in the Eastern District of Virginia and therefore, has not been entered on the docket. The correct form Chapter 13 Plan and Related Motions and the form Notice of Chapter 13 Plan and Related Motions are transmitted herewith, or can be found on our web site at www.vaeb.uscourts.gov.

_____, **Deputy Clerk**

Date: _____

[ver. 02/01/00]